

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7786

BILL NUMBER: SB 562

NOTE PREPARED: Jan 10, 2007

BILL AMENDED:

SUBJECT: Authorization procedures for disinterment.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: This bill provides that the remains of a deceased human being shall not be removed from a cemetery without written consent from one of the following classes of individuals, in order of priority: (1) The spouse at the time of the deceased's death. (2) A surviving adult child of the deceased. (3) A surviving parent of the deceased. (3) An individual in the next degree of kinship to the deceased under state laws governing intestate succession. (Current law requires the written consent of the deceased's: (1) spouse; or (2) in the case of a deceased minor child, parents.)

It specifies that if more than one individual in the same class survives the deceased, the requirement for written consent is satisfied if: (1) any individual in the class consents to the proposed removal; and (2) the State Department of Health (Department) does not receive an objection to the removal from any other individual in the class.

The bill makes conforming changes to provisions allowing: (1) the required consent to be waived under certain circumstances; (2) a coal company to remove human remains from property owned or leased by the coal company; and (3) the removal of human remains from a cemetery plot for the purpose of autopsy or reinterment, reentombment, or reinurnment in another cemetery.

It eliminates provisions requiring the Department to take certain actions before authorizing the removal of human remains.

It also provides that a: (1) licensed funeral director; or (2) cemetery owner; is not liable in an action brought by a person because of the removal of a deceased's remains unless the licensed funeral director or the cemetery owner had actual notice that a representation made in a required written consent was untrue.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill could reduce the administrative work required of the Indiana State Department of Health (ISDH) to authorize the disinterment of human remains. Provisions that would be eliminated include obtaining written evidence of the legal ownership of the property, sending written notice to the Department of Natural Resources, Division of Historic Preservation and Archeology, and obtaining written evidence that the removal has been published in a newspaper at least five days before the removal. The cost savings from these changes are expected to be minimal.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana State Department of Health, Department of Natural Resources.

Local Agencies Affected:

Information Sources:

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